

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BAINES

Appeal No. 94-2518
Application 07/702,615

ORDER REMANDING TO EXAMINER

MAILED

FEB 20 1996

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

An Amendment After Final was filed by applicants on 5-25-94 (Paper No. 24). The Advisory Action entered 7/20/95 (Paper No. 25) indicated that such amendment to the specification will not be entered and was silent with respect to the amendment to the claims. A Response was filed by applicants on 8/1/94 (Paper No. 26) indicating that their interpretation of the Advisory Action was that the Amendment After Final was entered in part. A review of the record indicates the amendment was not entered.

Additionally, on 5/25/94 a Reply Brief (Paper No. 23) was filed in response to new points of argument raised in the Examiner's Answer entered 4/19/94 (Paper. No. 22). The examiner indicated by handwritten note that the Reply Brief was "noted."

¹ Application for patent filed 5/17/91.

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Section 1208.04 of The Manual of Patent Examining Procedure
states:

The examiner should notify appellant of
consideration of the reply brief using form
paragraph 12.47.

There is no indication on the record that appellants were
notified of the examiner's position.

Accordingly, it is

ORDERED that the application is remanded to the
Examiner for clarification of the status of the Amendment After
Final filed 5/25/94, for notification to applicant in writing of
the action taken, for appropriate notification of consideration
of the Reply Brief and for such further action as may be
appropriate.

The application, by virtue of its "special" status, requires
immediate action. See Manual of Patent Examining Procedure,
§ 708.01(d). It is important that the Board of Patent Appeals
and Interferences be informed promptly of any action affecting
the appeal.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:

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Program and Resources Administrator

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